

Docket No. 280165P

CHES-US6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Russell M. HAGEN et al. CONF.: 4024  
APPLN. NO.: 09/985,679 GROUP: 1617  
FILED: November 5, 2001 EXAMINER: R. S. TRAVERS  
FOR: NOVEL MEDICAL USE FOR TACHYKINEN ANTAGONISTS

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**RESPONSE TO OFFICE ACTION**

Assistant Commissioner of Patents  
Washington, DC 20231

April 11, 2002

Sir:

In response to the Office Action dated April 5, 2002, the following remarks are respectfully submitted in connection with the above-identified application.

**REMARKS**

The Examiner has rejected certain claims on the grounds of obviousness-type double patenting over claims 1-4 of U.S. Patent 6,323,282. This rejection is respectfully traversed on the grounds that U.S. Patent 6,323,282 is not assigned to the same entity as the present application and does not claim the same subject matter as the present application. It appears that "6,323,282" was a typographical error by the PTO.

On March 5, 2002, an Amendment was filed on March 5, 2002, in the above-identified application. Due to a typographical error, the

Application No. 09/985,679  
Art Unit 1617

Amendment was filed with an incorrect application number (09/986,679 instead of 09/985,679). Accordingly, attached hereto is a copy of the Amendment as filed, with the correct application number handwritten in. Entry of the Amendment is respectfully requested.

An additional Information Disclosure Statement (IDS) was also filed with the Amendment on March 5, 2002, also with the incorrect application number. Accordingly, attached hereto is a copy of the IDS as filed with copies of the references. Consideration of the IDS is respectfully requested.

For the foregoing reasons, it is respectfully submitted that the present application is in condition for allowance.

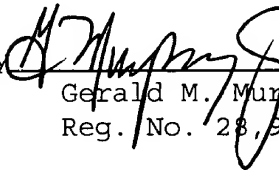
If there are any minor matters precluding allowance of the application which may be resolved by a telephone discussion, the Examiner is respectfully requested to contact Kecia J. Reynolds (Reg. No. 47,021) at (703) 205-8000.

Application No. 09/985,679  
Art Unit 1617

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Gerald M. Murphy, Jr.  
Reg. No. 28,977

P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000

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Attachment: Amendment filed March 5, 2002

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Applicants:	Russell M. HAGEN et al.	Conf.:	4024
Appl. No.:	09/985,679	Group:	1617
Filed:	November 5, 2001	Examiner:	R. TRAVERS
For:	NOVEL MEDICAL USE FOR TACHYKININ ANTAGONISTS		

Assistant Commissioner for Patents  
Washington, DC 20231

April 11, 2002

Transmitted herewith is an Amendment and Request for Interference  
in the above-identified application.

- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ The enclosed document is being transmitted via facsimile.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	26	-	26	=	0	\$18	\$0.00
INDEPENDENT	3	-	3	=	0	\$84	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						\$280	\$0.00
						TOTAL	\$0.00

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APR 16 2002

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Application No. 09/985879

- ☐ Petition for ( ) month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ Check(s) in the amount of \$0.00 is(are) enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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2801-0165P

ATTACHMENT

(Rev. 09/27/01)